



SEALED

**Office of the United States Attorney
District of Nevada
501 Las Vegas Boulevard South,
Suite 1100
Las Vegas, Nevada 89101
(702) 388-6336**

1 CHRISTOPHER CHIOU
2 Acting United States Attorney
3 District of Nevada
4 Nevada Bar Number 14853
5 BIANCA PUCCI
6 Assistant United States Attorney
7 501 Las Vegas Boulevard South, Suite 1100
8 Las Vegas, Nevada 89101
9 Phone: (702) 388-6336
10 Email: bianca.pucci@usdoj.gov
11 *Attorneys for the United States of America*

12 U.S. MAGISTRATE JUDGE
13

14 **UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA**

16 UNITED STATES OF AMERICA,

17 Case No. 2:21-MJ-00992-VCF

18 Plaintiff

19 vs.

20 **APPLICATION TO SEAL**

21 JONATHAN NAGEL

22 Defendant.

23

24 The United States of America, by and through Christopher Chiou, Acting United States Attorney, and Bianca R. Pucci, Assistant United States Attorney, respectfully move this Honorable Court for an Order sealing the Complaint, Probable Cause Affidavit, Arrest Warrant, AO257, this Application, and the Court's Sealing Order, in the above-captioned matter, until such time as this Honorable Court, or another Court of competent jurisdiction, shall order otherwise.

25 Pursuant to LR IA 10-5, the Government requests that the accompanying Complaint in
26 this case be filed under seal. *See generally*, Fed. R. Crim. P. 6(e)(4) (permitting for the sealing of
27 an indictment); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982) (supporting the
28 sealing of a search warrant when there is reasonable cause to believe that providing immediate
29 notification may have adverse results); *Matter of Sealed Affidavit(s) to Search Warrants*, 600 F.2d

1 1256 (9th Cir. 1979) (same); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975) (same).
2 In this case, such an order would be appropriate because the Complaint and Affidavit relate to
3 an ongoing criminal investigation into violation(s) of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) that
4 is neither public nor known to all of the targets of the investigation and its disclosure may alert
5 the targets to the ongoing investigation and pending arrest warrant. Public disclosure of the
6 information in the Complaint might possibly jeopardize the investigation because Defendant
7 Jonathan Nagel is not yet in custody. Although Nagel is generally aware of the investigation
8 and has spoken with investigators, he is unaware federal charges are being sought against him.
9 If he were to learn of the charges via an unsealed Complaint, he may take evasive measures or
10 destroy potential evidence, or both. Defendant Nagel's knowledge that an arrest warrant has
11 been issued against him may also increase risks to law enforcement in apprehending him.
12 Accordingly, there is reason to believe that disclosure of the information will jeopardize the
13 investigation, including by giving Nagel an opportunity to flee, destroy or tamper with
14 evidence, change patterns of behavior, or notify confederates.

15 DATED this 30th day of November, 2021.

16 Respectfully submitted,

17 CHRISTOPHER CHIOU
18 Acting United States Attorney

19 *Bianca R. Pucci*

20 BIANCA R. PUCCI
21 Assistant United States Attorney

22

23

24

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

2:21-MJ-00992-VCF

Case No.

13. MARCH 1966

UNITED STATES OF AMERICA,

Plaintiff,

v

JONATHAN NAGEL

Defendant.

ORDER TO SEAL

(Under Seal)

8 Based on the pending Application of the Government, and good cause appearing
9 therefore, **IT IS HEREBY ORDERED** that the Complaint, the Probable Cause Affidavit,
10 Arrest Warrant, AO257, the Government's Application, and this Court's Sealing Order, in the
11 above-captioned matter shall be sealed until further Order of the Court.

12 IT IS FURTHER ORDERED THAT the Clerk's Office for the United States District
13 Court for the District of Nevada must release the sealed complaint to the CJA Panel Resource
14 Attorney, who may use the information in the sealed complaint for the sole purpose of securing
15 defense counsel in a timely manner.

16 IT IS FURTHER ORDERED THAT, on the day of the arrest of the first defendant in
17 this case, the CJA Resource Attorney may provide defense counsel a copy of the sealed
18 complaint. *-65*

19 DATED this 30 day of November, 2021.

HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE